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# More and Less Deserving Refugees: Shifting Priorities in Swiss Asylum Policy from the Interwar Era to the Hungarian Refugee Crisis of 1956

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## Abstract

In 1956, thousands of Hungarian refugees found a warm welcome in Switzerland. Swiss students took to the streets to demonstrate against Soviet repression of the Hungarian uprising. However, the upsurge of public sympathy for the refugees barely covered up recent controversy in Switzerland over asylum policy during the years of fascism and the Second World War. In 1954, only two years before the Hungarian refugee crisis, newly released German foreign policy documents had revealed Swiss involvement in the introduction of the 'J'-stamp in 1938 to mark the passports of German (and formerly Austrian) Jews, making it easier for Swiss immigration officials to identify Jews as (undesirable) refugees. Those revelations came as a shock to the Swiss public, who had taken pride in the country's humanitarian achievements during the Second World War and had readily accepted official propaganda aimed to counter Allied criticism of Swiss neutrality policy. International and domestic indignation over those revelations eventually motivated the Swiss government to mandate an official investigation into asylum policy during the pre-war and wartime period. The findings of that examination pointed to concerted efforts by the highest authorities to prevent Jewish refugees from seeking asylum in Switzerland and turn them away at the Swiss border until 1944. This led over the following decades to an ongoing debate on the history of asylum policy. Closely linked to elements of national identity, such as neutrality, the Red Cross and humanitarianism, the specifics of Swiss asylum policy were rarely considered in a wider European context. In situating recent research on Swiss refugee policy during the 'Forty Years' Crisis' in a wider European context, this article reconsiders Switzerland's

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situation as one of Nazi Germany democratic neighbours in the 1930s and as the only neutral country within reach for many refugees during the Second World War. Placing special emphasis on the transnational dynamics of refugee policies, it also questions some of the received assumptions guiding the interpretation of the history of asylum in Switzerland.

### Keywords

Holocaust, Hungarian uprising, refugee policy, Switzerland

Whoever commands a small lifeboat that is already quite full, of limited capacity, and with an equally limited amount of provisions, while thousands of victims of a sunken ship scream to be saved, must appear hard when he cannot take everyone. And yet he is still humane when he warns early against false hope and tries to save at least those he had taken in.

So Eduard von Steiger, Head of the Federal Justice and Police Department, explained on 30 August 1942 to an audience of young church activists.<sup>1</sup> The Minister's analogy of an overcrowded lifeboat was meant to justify the government's controversial decision, secretly issued to the border guard on 13 August 1942, to close the border to civilian refugees. As the imagery suggested, the situation was, indeed, critical. In previous weeks, news about the arrest and deportation of Jews in Belgium, France and Holland had reached the authorities and the public from a variety of sources. And it could hardly escape decision-makers that the deportation victims faced a terrible fate. On 12 August 1942, the socialist daily *La Sentinelle* wrote 'The systematic extermination of a race is being pursued' in Nazi-ruled Europe. Rejecting Jewish refugees under the prevailing circumstances, an internal report concluded, 'was hardly justifiable' anymore.<sup>2</sup>

But that is exactly what the new order – to be revoked only in July 1944 – demanded. Its most contentious paragraph read that 'those who only took flight because of their race, Jews, for example, should not be considered political refugees' and, therefore, ought to be refused entry.<sup>3</sup> Despite confidentiality, these details quickly leaked out. In border areas, the local population witnessed dramatic scenes of refugees being expelled; crowds spontaneously gathered to prevent the expulsion of civilians who had clandestinely entered the country and believed

1 Extracts from von Steiger's speech cited after Independent Commission of Experts Switzerland – Second World War: ICE, *Switzerland and Refugees in the Nazi Era* (Bern 1999), 248 (note 85). The main publications by the ICE are online available in English translation: <http://www.uek.ch/en/index.htm> (accessed 1 April 2014).

2 Federal Archives (FA), Bern, E 27, 14446, Report by R. Jezler, 30 July 1942. For the quote from *La Sentinelle*, see *Ibid.*, 87, also G. Haas, 'Wenn man gewusst hätte, was sich drüben im Reich abspielte.' 1941–1943: *Was man in der Schweiz von der Judenvernichtung wusste* (Basel 1994).

3 ICE, *Switzerland and Refugees in the Nazi Era*, 90.

themselves to have found safety.<sup>4</sup> Media reports about the rejection of desperate refugees aroused a storm of protest, which was followed by emotional debate in parliament. Surprised by the intensity of public commotion over their asylum practice, the authorities temporarily relaxed restrictions only to tighten measures once the noise had abated.

In the longer run, public dissent failed to induce official change of heart, and the August 1942 decision came to epitomize the shipwreck of proclaimed commitment to humanitarian values. As a symbol for Switzerland's burden of the past, the lifeboat metaphor has since had a remarkable career. In a sarcastic inversion of its intended meaning, it framed critical media reports at the time and re-emerged in the late 1960s to denounce official inhumanity. In his 1967 memoir, entitled *Im Schweizer Rettungsboot (In the Swiss Lifeboat)*, former refugee Max Brusto deplored the degrading treatment he had received in Swiss refugee camps during the Second World War. In the same year, Alfred A. Häslér published *Das Boot ist voll*, which became the most influential non-fiction book on Swiss asylum policy ever to appear. In 1969, an English translation was published under the title *The Lifeboat Is Full*. Häslér's book also provided the basis for the 1981 Oscar-nominated film *Das Boot ist voll* by Swiss director Markus Imhoof.<sup>5</sup>

With its amazing proliferation, von Steiger's infamous metaphor has informed cultural grappling in the past decades with Swiss asylum policy replacing the analogy suggested by Leopold Lindtberg's gripping movie *The Last Chance*.<sup>6</sup> This award-winning film, depicting the escape of a handful of refugees – Allied POWs, Jews from Russia, Germany and Western Europe, and Italian children – over snow-covered Alps and their rescue by Swiss troops, was released on 26 May 1945. In many theatres, *The Last Chance* was shown together with Allied footage from liberated concentration camps, which provided a stark contrast to the happy ending of the movie's dramatic story. Striking a chord with the war-weary public, the film instantly became an international success after Metro-Goldwyn-Mayer

4 See, for example, S. Mächler, 'Ein Abgrund zwischen zwei Welten. Zwei Rückweisungen jüdischer Flüchtlinge im Jahre 1942', *Studien und Quellen. Zeitschrift des Schweizerischen Bundesarchivs*, 22 (1996), 137–232. Also S. Mächler, *Hilfe und Ohnmacht. Der Schweizerische Israelitische Gemeindebund und die nationalsozialistische Verfolgung 1933–1945* (Zurich 2005), 293–338.

5 See M. Brusto, *Im schweizerischen Rettungsboot* (Munich 1967); Häslér's book appeared in more than a dozen editions, for the most recent one, see A.A. Häslér, *Das Boot ist voll. Die Schweiz und die Flüchtlinge 1933–1945. Mit einem Vorwort von Roger de Weck* (Zurich 2008); for the English translation, see A.A. Häslér, *The Lifeboat Is Full. Switzerland and the Refugees, 1933–1945* (New York 1969). The film by Markus Imhoof appeared as a DVD in the Markus Imhoof Collection, ed. Impuls Home Entertainment, in 2004.

6 Leopold Lindtberg (1902–84) began his career as an actor and stage director in Germany but left the country immediately after Hitler's rise to power. Living as an emigrant in Zurich (on temporary permits until his naturalization in 1951), he became a pioneer of Swiss film industry. After directing several sentimental movies on patriotic subjects in the late 1930s and early 1940s, consistent with cultural policies aimed at spiritual national defence, *The Last Chance* was the film to earn him international fame. On Lindtberg, see H. Dumont, *Leopold Lindtberg und der Schweizer Film 1935–1953* (Ulm 1981). On cultural policies of the 1930s, also J. Mooser, "'Spiritual National Defence' in the 1930s: Swiss Political Culture between the Wars", in G. Kreis (ed.) *Switzerland and the Second World War* (London 2000), 236–60.

acquired the distribution rights. This turned out to be a blessing for Switzerland. At a particularly difficult moment – the neutral country was under considerable pressure from the Allies for its reluctance to discontinue economic and financial relations with Nazi Germany in the final phase of the war – *The Last Chance*, with its tale of distress and salvation, helped polish Switzerland's tarnished reputation, by portraying the country as the sanctuary of humanitarianism in the middle of a war-ridden continent.

The imagery included in both analogies – a small lifeboat in the middle of a storm and a safe haven behind snow-covered mountains – had wider implications for the historiography of Swiss asylum policy. With their reference to natural disaster suggesting inescapable constraints, both metaphors centred on the wartime situation or, more specifically, the situation when, beginning with the French debacle in June 1940 and lasting until the liberation of France in August 1944, Switzerland was surrounded by the Axis powers. In these years, Switzerland was virtually the only option left for people exposed to Nazi persecution. With the radicalization of racial persecution in Western Europe in early 1942, this situation became pressing. The number of civilians, the overwhelming majority of whom were Jews, trying to escape to Switzerland swelled rapidly. According to official documents, the number of refugees stopped by border police doubled within months from 132 in May to 248 in July 1942. In the final weeks of August more than 500 refugees would try to enter the country, with more than 300 being expelled immediately. Thus, Switzerland's closing of the border to Jews resulted in the rejection of thousands of racially persecuted people, and it remains unknown how many of those perished in Nazi extermination camps.<sup>7</sup>

These events have since given rise to waves of public indignation as well as official strategies of denial. During the Second World War, censorship prevented publication of unpleasant facts. At the end of the war, the responsible authorities, eager to polish Switzerland's humanitarian reputation, palliated their contentious wartime decisions. In the following years, however, the leaking of classified documents and information previously withheld from public knowledge repeatedly caused scandals. Most notorious was Switzerland's participation in the making of the 'J'-stamp, revealed in the mid-1950s by Allied publication of German foreign-policy documents. This discriminatory measure, introduced by Nazi Germany in the fall of 1938 to mark the passports of its Jewish nationals, allowed Switzerland (and other liberal countries that followed suit) to require entry visas from German Jews.<sup>8</sup> In the mid-1950s, critics took this as evidence of official

7 Conservative estimates put the number of refugees who were denied asylum at close to 40,000. This figure includes 24,398 refugees who were expelled during the Second World War and 14,500 visa applications of refugees rejected by immigration authorities between the spring of 1938 and November 1944. See for data and further methodological comments ICE, *Switzerland and Refugees in the Nazi Era*, 129 and 139. In recent years, however, the accuracy of these figures has been the subject of heated debate and attempts at revision, see R. Ludi, 'Die Historisierung der Erinnerung. Die Bergier-Kommission und ihre Rezeption', *Traverse*, 1 (2013), 275–92.

8 *Ibid.*, 75–85. Among the countries benefiting from the Swiss initiative were Sweden and Belgium, see F. Caestecker and B. Moore, 'A Comparative Analysis of Immigration Policies in Liberal States in

readiness to sacrifice fundamental constitutional principles, and they saw the closing of the border in 1942 as Swiss complicity in Nazi antisemitism. Domestic and international outrage prompted the federal government to commission an official examination, published in 1957, which shed light on Switzerland's restrictive and antisemitic asylum policy in the Nazi period.<sup>9</sup> Public grappling with these results, however, was transient and without major consequences. Until the late 1960s, it failed to question the lifeboat imagery and the interpretation it entailed. Only then, books, documentaries and films began to address humanitarian failures and popularize alternative visions. Supported by new research of the 1980s and 1990s and rising Holocaust awareness, the acknowledgment that Switzerland refused to save thousands of Jews provided the foundation for the most controversial conclusion reached by the Independent Commission of Experts Switzerland – Second World War. By rejecting Jewish refugees, 'Swiss officials helped the Nazi regime achieve its goals [of racial extermination], whether intentionally or not,' the historians' commission stated in its 1999 report on asylum policy.<sup>10</sup>

Yet, the imagery of the aforementioned metaphors, especially their emphasis on the country's seclusion, promoted a vision of Swiss refugee policy in isolation from international trends and transnational entanglements, an impression the historians commission failed to correct in its 1999 report on refugee policy. For fear of relativizing Swiss responsibilities at a moment when public denial of Swiss wrongdoing and rejection of international criticism were particularly strong, the report's authors omitted international comparison and paid little attention to transnational dimensions of interwar refugee policy. As a consequence, these aspects have since failed to attract much scholarly attention.<sup>11</sup> Moreover, the concentration of research on the wartime situation corresponds with the neglect of the postwar history of refugees, including the warm reception Switzerland prepared for Hungarians after the failed uprising of 1956, the one example cited in contrast to wartime asylum policy.

In this article, therefore, I will mainly address two issues pertaining to those less examined aspects of Swiss refugee history. One question concerns the continuity and discontinuity in official and public attitudes towards refugees since the First World War. Most of the recent literature interprets that history in the light of the

Western Europe and the Flight from Nazi Germany', in F. Caestecker and B. Moore (eds) *Refugees from Nazi Germany and the Liberal European States* (New York 2010), 193–326, esp. 267. On Swiss Jewish responses of the 1930s to the discriminatory visa provisions, see Mächler, *Hilfe und Ohnmacht. Der Schweizerische Israelitische Gemeindebund und die nationalsozialistische Verfolgung 1933–1945*, 182–9. On the postwar dealing with the 'J'-stamp history, see also G. Kreis, *Die Rückkehr des J-Stempels. Zur Geschichte einer schwierigen Vergangenheitsbewältigung* (Zurich 2000).

9 C. Ludwig, *Die Flüchtlingspolitik der Schweiz in den Jahren 1933 bis 1955. Bericht an den Bundesrat zuhänden der eidgenössischen Räte* (Bern 1957).

10 ICE, *Switzerland and Refugees in the Nazi Era*, 271.

11 More recent publications mostly concentrate on local history or specialized problems. See, for instance, N. Sibold, *Zur Geschichte der Juden in Basel, 1930er bis 1950er Jahre* (Zurich 2010); J. Krummenacher, *Flüchtiges Glück. Die Flüchtlinge im Grenzkanton St. Gallen zur Zeit des Nationalsozialismus* (Zurich 2005); H. Spira, *La frontière jurassienne au quotidien 1939–1945* (Geneva 2010).

critical events of 1942 and seeks to explain Swiss refusal to recognize Jews as deserving refugees at the very moment when their exposure to mortal danger could no longer be ignored. The dominating narrative finds the explanation in official antisemitism and its public resonance, implying an almost unbroken continuity in the prejudice guiding official practices and policy on all issues of immigration and naturalization from the early to the mid-twentieth century.<sup>12</sup> There is, indeed, plenty of evidence of discrimination against Jews in the interwar era. This includes, for instance, the ready adoption of Nazi racial categories by individual officials and public agencies, the abandonment of the diplomatic protection of Swiss Jews abroad and internal *numerus clausus* on the naturalization of Jews, all of which indicates that the involved agencies treated Jews as second-class citizens.<sup>13</sup>

However, this narrative tends to obscure the fact that decision-makers faced several critical moments which challenged previous routine and required them to assess situations carefully and take clear positions. Moreover, international comparison suggests a more complex dynamic was involved in turning aliens into virtual enemies who were perceived as undesirable competitors in the job market, foreign agents and troublemakers posing a threat to national security and as carriers of contagion in the literal and figurative sense. Often, cultural prejudice merely rationalized merciless treatment of people with no country and no place to stay, as the international practice in dealing with stateless persons demonstrated, but it was not necessarily the precondition for inhuman practices. The fear of economic crisis and mass unemployment, with its consequent risks of social turmoil and Bolshevism, hovered over much interwar policy deliberation. Accordingly, the concept of the enemy was fluid: combining traits from different sources and adapting them to the specific circumstances. In this respect, Switzerland did not fundamentally differ from other European states.

Moreover, the question of continuity and discontinuity has to be considered in conjunction with the international dynamics of the 1930s. Once a state had introduced restrictive measures in response to the refugee crisis – especially during the Great Depression – other governments were quick to follow out of fear of becoming a magnet for impoverished asylum seekers. At some point in the 1930s, this dynamic acquired a momentum that seemed almost inescapable. Still, states' determination to reject refugees created problems of previously unknown magnitude. An increase in clandestine deportations of undesirable aliens from one state to another – the 'tossing of the human victim from state to state' dubbed 'international ping-pong' at the time and poignantly described by many contemporaries including Norman Bentwich, B. Traven and Hannah Arendt – testified to the

12 In this line, for instance P. Kury, *Über Fremde reden. Überfremdungsdiskurs und Ausgrenzung in der Schweiz 1900–1945* (Zurich 2003); also the contributions in A. Mattioli (ed.), *Antisemitismus in der Schweiz 1848–1960* (Zurich 1998).

13 See J. Picard, *Die Schweiz und die Juden 1933–1945. Schweizerischer Antisemitismus, jüdische Abwehr und internationale Migrations- und Flüchtlingspolitik* (Zurich 1994).



rapidly declining respect for human dignity.<sup>14</sup> At the same time, the practice caused diplomatic complications and stimulated international cooperation in repressing the movements of populations. An adequate understanding of this dynamic requires abandoning the lifeboat metaphor and considering Swiss refugee policy from a wider inter- and transnational perspective.

At the beginning of the 'Forty Years Crisis', the Swiss public took pride in the liberal admission of refugees during the past decades. As one of the few states of the nineteenth century with a liberal constitution, Switzerland had long been a safe haven for persecuted revolutionaries from all over Europe, including Russia. Defending the right to grant asylum as an intrinsic element of national sovereignty, the federal government normally rejected the demands of monarchic powers for the extradition of persons wanted for political crimes. It hosted radicals among whom were the Italian revolutionary Giuseppe Mazzini, German emigrants after the failure of the 1848 revolutions and during Bismarck's ban on the Socialist party, the anarchist Mikhail Bakunin and, in the early twentieth century, the Russian revolutionaries Vladimir Ilyich Lenin and Leon Trostky. But in no way did this imply the recognition of a refugee's right to protection. 'Switzerland does not have any obligation to grant asylum, but we have the right to do so' explained the Federal Councillor Henri Druet in 1848.<sup>15</sup> The concept of the deserving refugee as someone who was persecuted for his (or, rarely, her) political convictions was linked to the liberal establishment's ideas of national identity. The ideal refugee was the mirror image of the small democratic state surrounded by authoritarian states with insatiable appetites for power.

But with the First World War, the liberal admission of refugees came to an end. As elsewhere in Europe, new immigration barriers interrupted the previous freedom of movement. A source of bourgeois angst, domestic unrest and revolutionary uprisings abroad raised a call for new controls. The economically and socially difficult years following the end of the First World War allowed the federal authorities to wrest jurisdiction over aliens from the cantons and centralize it with the federal police office. In 1925, the right to grant asylum was constitutionally defined as a federal prerogative. According to the general understanding, aliens persecuted abroad for their political activity deserved protection unless they constituted a risk to national security. However, the distinction between asylum and immigration policies was anything but clear. Heinrich Rothmund, head of the federal police office and the main architect of Switzerland's immigration policy, dominated decision-making in both areas for the three decades from the early 1920s until the early 1950s. He was committed to preventing the country's 'infiltration by foreigners'

14 N. Bentwich, 'The League of Nations and Refugees', *The British Yearbook of International Law*, 16, (1935), 114–29, here 117. See also B. Traven, trans. E. Sutton, *The Death Ship. The Story of an American Sailor* (London 1934) (the German original appeared in 1926). H. Arendt, *The Origins of Totalitarianism* (New York 1951).

15 See the contributions in C. Goehrke and W.G. Zimmermann, (eds), "Zuflucht Schweiz". *Der Umgang mit Asylproblemen im 19. und 20. Jahrhundert* (Zurich 1994). Cited after M. Mittler, *Der Weg zum Ersten Weltkrieg: Wie neutral war die Schweiz? Kleinstaat und europäischer Imperialismus* (Zurich 2003), 43 (my translation).



(‘Überfremdung’), which he often equated to the projected rise in the tiny Jewish population. In the interwar era, Rothmund repeatedly declared that fighting anti-semitism required preventing the country’s ‘Jewification’. In the 1930s, he pressured the Swiss Jewish community into complying with official asylum policy by obligating its leadership to guarantee the financial support of all Jewish refugees and threatening to close the border if the Swiss Jews were not willing or able to pay.<sup>16</sup>

By the early 1930s, new competencies and the creation of an efficient bureaucracy enabled the federal authorities to harmonize the admittance of foreigners on the basis of coherent principles and more tightly regulate entry visas, work and residence permits and naturalization procedures. At the same time, interest groups with very diverse agendas – trade unions, the tourist industry, professional associations, etc. – exerted increasing pressure on immigration policy. Their lobbying activity as well as the growing opportunity to be heard by the authorities reflected international trends in the intensification of state intervention and the preference for corporatist regulation of all areas of the economy.<sup>17</sup> These transformations had an enormous impact: the proportion of aliens declined from almost 15 per cent of the total population in 1910 to 9 per cent in 1930 and 5 per cent in 1941 while naturalization became increasingly more difficult.<sup>18</sup>

In comparison to the liberal nineteenth-century asylum practice, the situation for asylum seekers was drastically different. In 1931, new legislation, the Federal Law on the Residence and Settlement of Foreigners, did not privilege refugees or distinguish them from other immigrants. For example, refugees who became public charges were subject to expulsion and work permits were available only under very restricted conditions and with the consent of professional associations. Only Nansen refugees, who were protected by the international arrangements of the 1920s, enjoyed preferential treatment and, as the only refugee category at that time, were entitled to public assistance. However, just a tiny group of people actually benefited from these provisions. As John Hope Simpson’s comparative study of 1939 stated, ‘Russian refugees were not welcome in Switzerland, and their number... appears to be small.’ It amounted to less than 2500 people according to different sources.<sup>19</sup> Also, federal authorities in the 1920s were very hesitant to

16 Mächler, *Hilfe und Ohnmacht. Der Schweizerische Israelitische Gemeindebund und die nationalsozialistische Verfolgung 1933–1945*. On Rothmund, see also H. Roschewski, *Rothmund und die Juden. Eine historische Fallstudie des Antisemitismus in der schweizerischen Flüchtlingspolitik 1933–1957* (Basel 1997).

17 U. Gast, *Von der Kontrolle zur Abwehr. Die eidgenössische Fremdenpolizei im Spannungsfeld von Politik und Abwehr* (Zurich 1997). From a comparative perspective also Caestecker and Moore, *Refugees from Nazi Germany*. On corporatist regulation, especially in response to the Great Depression, P. Müller, *La Suisse en crise (1929–1936). Les politiques monétaire, financière, économique et sociale de la Confédération helvétique* (Lausanne 2010).

18 For data, see M. Vuilleumier, ‘Etrangers’ *Historisches Lexikon der Schweiz*, <http://www.hls-dhs-dss.ch/textes/f/F10384.php> (accessed 30 January 2012).

19 J.H. Simpson, (ed.), *The Refugee Problem. Report of a Survey* (London 1939), 397. For the Swiss data see *Documents Diplomatiques Suisses* (DDS) 12, N° 113, 231–2. On the treatment of Russian refugees, see also C. Gehrig, ‘Bundesbeiträge zur Unterstützung bedürftiger und kranker Russen in der Schweiz (1918–1951)’, in M. Bankowski, P. Brang, C. Goehrke and W.G. Zimmermann (eds) *Asyl*

recognize Italian antifascists as victims of political persecution. This was mainly out of consideration of fascist sensitivities and to avoid complications with the Mussolini regime. Frequent clashes between Italian refugees and fascist agents drew undesired attention and interfered with the diplomatic priorities of Foreign Minister Giuseppe Motta, a conservative catholic belonging to Switzerland's Italian-speaking minority who placed great emphasis on warm relations with the country's southern neighbour. Thus, at best, federal authorities would turn a blind eye when local border police occasionally let Italian refugees enter the country illegally in order to travel to France.<sup>20</sup>

Events in Germany eventually compelled decision-makers to further spell out the principles of asylum policy. Between April and September 1933, immigration control at Basel's train station registered 10,000 refugees from Germany – the majority of these were Jews among whom were many intellectuals and academics. An unknown number of people crossed at other points along the Swiss–German border. In spite of this massive influx, the federal government decided to leave the border open. But the authorities refused to grant these people refugee status assuming that most of them would return to Germany once the situation had calmed down or find more permanent exile in other countries like, for instance, France, which liberally admitted refugees for most of 1933.<sup>21</sup> And, indeed, by the end of 1933, no more than 2500 refugees from the Third Reich were still in Switzerland. Up to 90 per cent of those who had left Germany earlier that year were said to have returned to their homes within weeks or months.<sup>22</sup>

On 31 March 1933, the Federal Council, in anticipation of mass flight from the Third Reich, declared that Switzerland would abide by its humanitarian tradition and offer shelter to people who faced persecution because of their political activity. In reality, however, the federal authorities endorsed a very narrow understanding of who constituted a political refugee. Between 1933 and 1945, no more than 644 people qualified for this legal status. Communists, for instance, were explicitly excluded, and antifascists in general were not very welcome. In anticipation of their rejection, communists tried to enter Switzerland under false identities and, when successful, lived in hiding, relying on the solidarity networks of their comrades.<sup>23</sup> Frequent Nazi complaints about hostile agitation from Swiss territory prompted the police to put aliens under strict surveillance and rigidly enforce the

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*und Aufenthalt. Die Schweiz als Zuflucht und Wirkungsstätte von Slaven im 19. und 20. Jahrhundert* (Basel 1994), 161–72.

20 This practice is documented in border guard reports of the 1930s in FA E 4320 (B) 1990/270, vol. 3. On Giuseppe Motta see *Historisches Lexikon der Schweiz*, online-edition <http://www.hls-dhs-dss.ch/textes/d/D3524.php> (accessed 5 June 2012).

21 See V. Caron, *Uneasy Asylum. France and the Jewish Refugee Crisis, 1933–1942* (Stanford, CA 1999).

22 J.-C. Wacker, *Humaner als Bern. Schweizer und Basler Asylpraxis gegenüber jüdischen Flüchtlingen von 1933–1945 im Vergleich* (Basel 1992), 75. See also Sibold, *Zur Geschichte der Juden in Basel, 1930er bis 1950er Jahre*, 253.

23 For data, see ICE, *Switzerland and Refugees in the Nazi Era*, 22. On the treatment of political refugees also H. Wichers, *Im Kampf gegen Hitler. Deutsche Sozialisten im Schweizer Exil 1933–1945* (Basel 1994).

ban on political activity. As late as the mid-1930s, local police authorities would occasionally hand communists arrested on political grounds or for violating immigration regulations over to the Germans. Even recognized refugees risked expulsion, sometimes for trivial offences or mere suspicion, if they continued their antifascist activity in exile.<sup>24</sup> An internal memo of 1939 specified:

We seek expulsion of foreigners whose overall character is extremely unpleasant and antisocial, but who are often clever enough not to offer any specific reason for expulsion and whom we often had not been able to remove up to now.

With the beginning of the war in Europe, anxieties over the presence of strangers deepened. Often, authorities and the public alike perceived aliens as foreign agents committed to undermining the country's stability. Suspecting a security risk in every stranger present in Swiss territory, one member of a cantonal government declared in 1943: 'Those who say "stranger," speak of danger to our country,' and, accordingly, demanded the rigorous removal of suspicious aliens.<sup>25</sup> Given Switzerland's almost total enclosure by Axis powers, such expulsions would have amounted to the extradition of endangered persons to the very states where they were in danger in violation of the non-refoulement principle established by the Provisional Arrangement Concerning the Status of Refugees Coming from Germany of 1936. Thus, the authorities often suspended expulsion until the end of hostilities and instead imprisoned those undesirable aliens who would have been exposed to harm abroad.<sup>26</sup>

In the spring of 1933, the Swiss authorities decided that Jews from Germany would qualify as political refugees only if they faced persecution for their political activity. Accordingly, the Swiss did not recognize Jewish officials forced out of their jobs, for instance, or people escaping public harassment and the boycott of their businesses as political refugees but classified them as 'emigrants'. Due to overpopulation, instability in the labour market and the risks associated with foreign infiltration, the federal government declared that Switzerland could only be a country of transit for these people. Thus, those classified as 'emigrants' were granted only temporary residence and issued residency permits that had to be renewed every three to six months. Also, a deposit of several thousand Swiss francs was exacted from applicants, which funds were meant to cover any liability in case of sudden

24 For examples, see Wichers, *Im Kampf gegen Hitler. Deutsche Sozialisten im Schweizer Exil 1933-1945*.

25 Orders regarding a decree of the Federal Council, 17 November 1939, cited after ICE, *Switzerland and Refugees in the Nazi Era*, 151; also *ibid.* 150.

26 For a collection of expulsion orders, see FA, E 4320 (B) 1991/87, Vol. 4. See also S. Heim, 'International Refugee Policy and Jewish Immigration under the Shadow of National Socialism', in Caestecker and Moore, *Refugees from Nazi Germany*, 17-47. The Provisional Arrangement, however, was limited to German and formerly Austrian refugees. Legally, it can be argued that the expulsion of refugees coming from Nazi-occupied Europe to French or German territory nonetheless represented a violation of those regulations. See W. Kälin, 'Rechtliche Aspekte der schweizerischen Flüchtlingspolitik im Zweiten Weltkrieg', in *Die Schweiz, der Nationalsozialismus und das Recht. I. Öffentliches Recht*, ed. ICE (Zurich 2001), 261-515.

departure or expulsion. Moreover, 'emigrants' were required to prepare their resettlement and refrain from any kind of paid work. The ban on work weighed heavily on refugees. A lack of resources forced many to leave Switzerland quickly, which result the regulation was intended to produce, or solicit aid organizations for assistance, which normally came with strings attached. Others depended on their assets, which were rapidly declining as a result of severe property losses suffered because of crippling Nazi restrictions and taxation on the transfer of assets from the Third Reich. Moreover, as a manual for emigrants warned in 1935, 'the ban on the employment of foreigners is very rigorously enforced' in Switzerland, and the authorities could often count on the assistance of professional associations that were eager to protect their members from unwanted competition and some of which zealously reported refugees' infringements of the rule. Fearing competition from German writers whose work had been banned by the Nazis and who had lost publishing alternatives, the Swiss Writers Association was a particularly active informer. To escape detection, authors in exile were forced to publish under pen names. For instance, the German communist Kurt Kläber, who escaped to Switzerland in 1933, began writing children's literature. His best known novel, *The Outsiders of Uskokan Castle* (*Rote Zora* in German), was published in 1941 under the pseudonym Kurt Held. Occasionally, Kläber also used the name of his wife, Lisa Tetzner, herself a well-known author of children's books.<sup>27</sup>

In 1939, Great Britain stopped immigration to Palestine while the United States continuously raised the hurdles for refugees from Europe, as did most other countries in the wake of the Evian Conference. As increasingly restrictive immigration practices abroad, as well as warfare, allowed fewer and fewer people to resettle, the Swiss government ordered 'emigrants' and political refugees to be interned in camps. Those who were physically able to work had to participate in public labour programmes such as road construction, logging and agricultural work. Designed to relieve private charities that bore the brunt of the refugees' support, camp internment also facilitated surveillance and had the additional benefit of easing the military's worries. Separating refugees from Swiss civilians helped relieve security concerns about foreign agents disguised as asylum seekers and neutralized the army's fear that large groups of aliens would become a source of unrest. Refugees who were admitted during the war underwent similar procedures. After spending some months in assembly centres under military control, they were assigned to refugee camps and other mass accommodations; families were separated and children often placed with foster parents. The camp system – its dull routine, lack of privacy and strict rules – became a major source of discontent. In a letter to a member of parliament, an anonymous author acknowledged that 'most

27 M. Wischnitzer, *Die Juden der Welt. Gegenwart und Geschichte des Judentums in allen Ländern* (Berlin 1957), 177 (my translation). Also R. Ludi, 'Dwindling Options: Seeking Asylum in Switzerland 1933–1939', in Caestecker and Moore, *Refugees from Nazi Germany*, 82–102. On the Swiss Writers' Association also K. Schulz, 'Die Schweiz und das literarische Exil (1933–1945)', *Jahrbuch für europäische Geschichte*, 7 (2006), 65–88, esp. 83–4.

refugees long for the hour when they can leave Switzerland as quickly as possible'.<sup>28</sup>

As the external threat declined, criticism of the conditions in the camps and the refugees' harsh treatment became louder and increasingly bitter and, eventually, compelled authorities to relax restrictions. 'Today's emigrant could be tomorrow's prime minister', a member of parliament warned in 1944 and added, 'His view of Switzerland cannot be a matter of indifference to us.'<sup>29</sup> The realization that refugees' voices would count in postwar Europe slowly helped improve conditions. Labour camps and most other mass accommodations were dismantled at the end of hostilities abroad. But, the basic principles ruling the treatment of refugees (transmigration, the ban on paid work and mandatory asset management) remained in force largely unmodified until Swiss ratification of the UN Refugee Convention in 1955. At the same time, federal authorities were adamant about getting rid of refugees as quickly as possible. They rushed them out of the country as soon as transportation allowed. By the end of the 1940s, most of the 51,000 civilians admitted during the Second World War, among them about 19,500 Jews, had left the country. Nevertheless, several thousand refugees – many from Germany and Austria – were unwilling or unable to resettle elsewhere for reasons of health, age or political convictions. After a long struggle led by relief organizations, authorities issued regulations in 1947–8 that made pre-war and wartime refugees eligible for permanent residence and allowed them to take jobs and liberate themselves from their debilitating dependency on charities and from the need for the authorities' consent to every minor purchase they wanted to make. Yet, only 1345 persons out of several thousand benefited from the new rules.<sup>30</sup>

This history of authorities' seemingly unchangeable commitment to fundamental principles betokens an unbroken continuity in immigration policy from the First World War until the early 1950s. The major players in the implementation of asylum policy – police authorities and, from the beginning of the Second World War, a growing number of military personnel – largely ignored the basic distinction between refugees and other aliens. They refused to classify refugees as persons in need of protection but, instead, treated them as undesirable aliens regardless of their conditions or reasons for escaping. Also, in response to the humanitarian crisis caused by Germany's annexation of Austria and the subsequent Nazi policy of forcing Jews out of the Third Reich, the authorities repeatedly reinforced their refusal to recognize Jews as political refugees. Leading officials did acknowledge that Jews faced particular dangers – including imprisonment in concentration camps – if they returned to Germany but, at the same time, expressed their

28 ICE, *Switzerland and Refugees in the Nazi Era*, 164. On the camp system, see also S. Erlanger, 'Nur ein Durchgangsland'. *Arbeitslager und Internierungsheime für Flüchtlinge und Emigranten 1940–1949* (Zurich 2006).

29 ICE, *Switzerland and Refugees in the Nazi Era*, 167.

30 Erlanger, 'Nur ein Durchgangsland', 233–8. Also H. Kocher, *Rationierte Menschlichkeit. Schweizerischer Protestantismus im Spannungsfeld von Flüchtlingsnot und öffentlicher Flüchtlingspolitik der Schweiz 1933–1948* (Zurich 1996). On mandatory management of the refugees' assets, see ICE, *Switzerland and Refugees in the Nazi Era*, 210–26.

conviction that abandoning earlier decisions meant opening the floodgates. In anticipation of the introduction of new German passports for all Austrians, Swiss diplomats sought means to identify Jewish refugees without cancelling the interwar visa-waiver agreement with Germany. They rejected this option because of its negative consequences for the tourist industry and Swiss-German business relations. The Nazi regime eventually complied with Swiss desires and introduced the 'J'-stamp, although this step contradicted its policy of removing Jews from the Third Reich's territory by adding to the difficulties they faced in finding countries to which they could emigrate. Based on the German measures, Switzerland required entry visas from Jewish citizens of the Third Reich. In the fall of 1939, in response to the beginning of the war in Europe, the Swiss extended their visa requirement to include all foreigners. Thus, the closing of the border in August 1942 might seem like a mere confirmation of this step, an obvious and automatic continuation of earlier practice.

In reality, however, the situation was more complicated. The federal authorities' efforts to defend their controversial decision of 13 August 1942 indicated that closing the border was anything but the natural consequence of their earlier decisions. Instead, the growing number of people trying to escape to Switzerland and the dawning awareness that these refugees were in mortal danger required difficult choices. Some officials expressed their scruples about rejecting Jewish refugees and thereby signalled that previous practice had acquired an entirely new meaning: it meant sending refugees back to their deaths. As a consequence, government experts contemplated extending the same procedures to Jewish refugees as were applied to political refugees, which, in the final analysis, constituted recognition that victims of racial persecution deserved the same protection as political refugees and had to be assimilated to that privileged category.<sup>31</sup> Also, confusion reigned among those who were charged with the implementation of the new regulations. Many interpreted them more widely than intended or knowingly disregarded their instructions. Some border guards simply looked away when civilians tried to enter the country illegally, and some diplomats issued visas to people belonging to the category of undesirable aliens. Eventually, authorities could defend the brutal measures by citing the need to suppress the criminal activity flourishing in some border areas, where the smuggling of refugees had become a lucrative business.<sup>32</sup>

All of this suggests that the order of August 1942 was not routine and business as usual but, rather, motivated by concerns about the potential mass influx of aliens and its impact on Switzerland. More generous admittance of refugees would have sent encouraging signals to Jews exposed to deportation in Nazi-occupied Europe, but federal authorities chose to transmit the opposite message and deter potential

31 For the best survey of those ambivalences, see G. Koller, 'Entscheidungen über Leben und Tod. Die behördliche Praxis in der schweizerischen Flüchtlingspolitik während des Zweiten Weltkriegs', *Studien und Quellen. Zeitschrift des Schweizerischen Bundesarchivs*, 22 (1996), 17–106, esp. 22–9.

32 ICE, *Switzerland and Refugees in the Nazi Era*, 111–27, also S. Keller, *Grünings Fall. Geschichten von Flucht und Hilfe* (Zurich 1993); Krummenacher, *Flüchtiges Glück. Die Flüchtlinge im Grenzkanton St. Gallen zur Zeit des Nationalsozialismus*.



asylum seekers from risking the dangerous journey to the Swiss border. At the same time, they criminalized all forms of assistance to refugees trying to enter the country illegally.<sup>33</sup> No doubt, their decisions must be considered in the period's difficult context, a time when Nazi domination of Europe was almost total and the outcome of the war uncertain. Still, the contemporary argument that Switzerland had no other option because any other policy would have overstretched the country's resources did not convince everybody. Advocates for refugees argued that a more generous practice would have almost no effect on the supply situation. The overall reduction of the daily bread ration, they calculated, would be less than 10 grams if 14,000 additional refugees were to be accepted.<sup>34</sup> National security arguments were losing their persuasiveness in the course of 1943 following the Allied landing in North Africa and the German defeat at Stalingrad. And yet, that year witnessed the harshest enforcement of the decision of August 1942. Jews were expelled, and forced labourers, mostly of Soviet and Polish origin, who showed up at the Swiss border in growing numbers, were denied admission though their severe mistreatment and the draconian punishment (including the death penalty) for attempting to escape from Nazi Germany were known.<sup>35</sup>

Control at the border relaxed gradually through the fall of 1943 in response to the mass exodus caused by German occupation of Northern Italy. At first, the influx of thousands of refugees from Italy took Swiss agencies completely by surprise and in many places overwhelmed military and civilian border guards, who in the prevailing chaos admitted refugees who under different circumstances would have been turned away. Eventually, protests by the local population, who often had family in Northern Italy, prevented the subsequent expulsion of these people. In the longer run, these events slowly changed the overall practice. Thus, the closing of the border in August 1942 must be seen as a discontinuity disguised as the continuation of previous practice. This conclusion must be considered against the backdrop of wider transnational developments in the handling of immigration matters in Europe.

In April 1939, top immigration officials from Belgium, Luxembourg, the Netherlands and Switzerland gathered in Brussels for a confidential exchange of information supposedly to assist the Intergovernmental Committee in accomplishing its task of organizing the resettlement of refugees from the Third Reich. According to the proceedings, the delegates concurred in their analysis of the situation and on the basic principles to be applied. The authorities of all four countries agreed that rigorous rejection was the only way to deter Nazi Germany from

33 R. Ludi, 'Fluchthilfe und Vergangenheitspolitik', in O. Hersche (ed.) *Geschichtsbilder, Widerstand, Vergangenheitspolitik* (Zurich 2002), 15–24.

34 B.-E. Lupp, *Von der Klassensolidarität zur humanitären Hilfe. Die Flüchtlingspolitik der politischen Linken 1930–1950* (Zurich 2006), 176.

35 Ibid. 189f., also ICE, *Switzerland and Refugees in the Nazi Era*, 132 f., 148. In the absence of diplomatic relations between Switzerland and the Soviet Union until 1946, Soviet nationals – apart from being considered politically suspicious – also lacked the protection and guarantees from their government which for other refugees (Dutch or British) was lifesaving.



dumping its unwanted nationals on their territories. In his concluding statement, the Belgian delegate expressed his relief over this agreement to set 'an end to the alarming flood of refugees'. Evidently, he was in need of such reassurance. Domestic protests had compelled the authorities of his country to halt the expulsion of illegal immigrants. Knowing that refugees could expect the same fate in neighbouring states, he predicted, would help the Belgians to resume their previous practice of rejecting undesirable aliens.<sup>36</sup>

The officials present in Brussels typically framed their deliberations in military vocabulary and war imagery portraying immigration policies as national defence strategies against the 'invasion' of aliens and the 'scourge' that they represented. Despite its informal character, the meeting was characteristic of the general atmosphere of the late 1930s. Though seemingly aimed at the resolution of a humanitarian crisis, international cooperation instead reinforced states' commitment to a hard line against all kinds of immigrants. Or, to put it more bluntly, declared commitment to humanitarian solidarity and international cooperation was a mere pretext for the coordination of restrictions so that no country would lag behind the others and thereby attract additional refugees.<sup>37</sup> This was quite far from the idealism that had inspired the international refugee regime if, that is, its visionary principles ever had been more than lip service paid to humanitarians who were incensed by the atrocities committed in the shadow of war. In 1921, the first initiatives of 'humanitarian diplomacy' – to use a term coined by the French historian Dzovinar Kévonian – originated from private organizations. They were spearheaded by the liberal internationalist Gustave Ador, a former member of the Swiss government and then the head of the International Committee of the Red Cross. Behind the scenes, however, it was mainly France that pushed for an internationalization of the refugee problem. The reason was obvious: as one of the Allied powers occupying Constantinople, France was burdened with thousands of White Russians who had flooded the city on their retreat across the Black Sea. And, the French were quick to end their responsibility for these people once the League of Nations had created the new position of High Commissioner for Refugees.<sup>38</sup> This revealed much about governments' motivations for creating the new refugee regime: their primary incentive for internationalizing the refugee problem was to reduce their responsibility for organizing the resettlement of displaced populations. Accordingly, governments' willingness to participate in international

36 See the confidential proceedings, Document 271 in S. Heim (ed.), *Die Verfolgung und Ermordung der europäischen Juden durch das nationalsozialistische Deutschland 1933–1945. Vol. 2: Deutsches Reich 1938–August 1939* (Munich 2009), 728–34.

37 This interpretation concurs with Susanne Heim's assessment of international cooperation under the League of Nations umbrella, see Heim, 'International Refugee Policy and Jewish Immigration under the Shadow of National Socialism', 18.

38 D. Kévonian, *Réfugiés et diplomatie humanitaire. Les acteurs européens et la scène proche-orientale pendant l'entre-deux-guerres* (Paris 2004), 137–44. On the situation in Constantinople, see M. Housden, 'White Russians Crossing the Black Sea: Fridtjof Nansen, Constantinople and the First Modern Repatriation of Refugees Displaced by Civil Conflict, 1922–23', *Slavonic and East European Review*, 88 (2010), 495–524.

arrangements depended on the urgency of the domestic refugee problems.<sup>39</sup> Thus, the refugee regime emerging under the aegis of the League of Nations showed many similarities with minority protection. Legal guarantees were little more than international window dressing if, that is, they did not produce the opposite of their declared purpose by entrenching resentments and prejudices against those they were meant to protect and whetting nationalists' appetites for ridding their countries of unwanted populations.<sup>40</sup>

At the same time, political and economic developments of the interwar period solidified negative perceptions of displaced populations. All over Europe, immigration policies were designed in view of an anticipated 'invasion' of homeless people, the 'international vagrants' and 'outlaws' uprooted by unemployment, hardship, ethnic hatred and political upheavals in their countries of origin.<sup>41</sup> Instead of harmonizing legislation in favour of asylum seekers, international activity often had the opposite effect of harmonizing national strategies of repression through the exchange of knowledge and techniques for the suppression of unwanted population movements. Accordingly, the international refugee regime generalized the basic principles adopted by most countries in their treatment of refugees. But international norms and institutions were limited in their scope and duration as the architects of the new system expected the refugees' situation to normalize after a time. Displaced people would either opt for repatriation or resettle, preferably overseas, they reckoned. Thus, few European states took steps to integrate refugees into the labour market or make eventual naturalization possible. Notorious for its demographic fears and demand for manpower, France was one of the few states to actively pursue an immigration policy. Nevertheless, in response to the mass influx of refugees from Nazi Germany and in view of rising unemployment, conservative governments of the mid-1930s tightened labour market regulations and restricted the previously liberal admission of aliens. Like Switzerland, the French subsequently admitted refugees only temporarily and under the condition that they arrange their resettlement. In line with the policy adopted by the other European countries, French diplomats declared, 'France is a passage [for refugees], not a garage'.<sup>42</sup>

Obligating private charities to feed and shelter destitute refugees was common practice in most European countries. In response to the mass flight from the Third Reich, governments required Jewish communities to guarantee the financial

39 Also D. Kévonian, 'Réflexions pour une Europe sociale: La question des réfugiés et le tournant des années 1929–1933', in S. Schirmann (ed.) *Organisations internationales et architectures européennes 1929–1939* (Metz 2003), 213–27. On the international refugee regime and its guiding principles, see also C. Skran, *Refugees in Inter-War Europe. The Emergence of a Regime* (Oxford 1995).

40 See C. Fink, *Defending the Rights of Others. The Great Powers, the Jews, and International Minority Protection, 1878–1938* (Cambridge 2004).

41 Cited after Kévonian, *Réfugiés et diplomatie humanitaire. Les acteurs européens et la scène proche-orientale pendant l'entre-deux-guerres*, 242.

42 Cited after Heim, 'International Refugee Policy and Jewish Immigration under the Shadow of National Socialism', 22. On France, see the assessment by Simpson, *The Refugee Problem. Report of a Survey*, 297–8; also Caron, *Uneasy Asylum. France and the Jewish Refugee Crisis, 1933–1942*, 14, 33–6, and G. Burgess, *Refuge in the Land of Liberty: France and its Refugees, from the Revolution to the End of Asylum, 1787–1939* (Basingstoke 2008), 145–65.

support of Jewish refugees. In the spring of 1933, the Swiss and the Belgian governments were among the first to premise their acceptance of asylum seekers on such a condition. But other states were quick to follow their example.<sup>43</sup> And the international refugee regime did not provide an alternative model; it based its activities on similar principles. From the very beginning, Fridtjof Nansen's office relied almost entirely on donations from private foundations, among them major Jewish charities, and the same was true for its successor organizations. In July 1938, the Evian Conference confirmed this principle.<sup>44</sup> But, with the increasingly radical Aryanization policy in Nazi Germany, refugees' dependence on foreign aid increased enormously, and the resulting financial burden soon overstrained Jewish minorities in the asylum countries.<sup>45</sup>

The obligation to maintain destitute refugees in rising numbers entailed additional dilemmas for Jewish charities. The deepening humanitarian crisis made private associations, often the refugees' most vociferous advocates, the hostages of government policies. Only as long as they had sufficient means to support additional refugees could Jewish communities call for solidarity with the victims of racial persecution. Once they ran out of money, however, authorities easily shifted the blame onto the Jews by explaining restrictions in terms of a lack of Jewish solidarity. By seemingly confirming the myths of unlimited Jewish wealth and avarice, this arrangement also made Jewish minorities more vulnerable to antisemitic prejudices. Xenophobic circles accused Jews of luring uninvited aliens into the country and giving precedence to racial solidarity over their patriotic obligations. Official responses to the refugee crisis of the 1930s thus contributed to reinforcing a nationalistic definition of membership in the political community. This was one reason for conservative French Jews in a climate of mounting antisemitism to endorse their government's restrictive asylum policy of the mid-1930s. Prior to the Second World War, the Swiss Jewish community was able to resist similar pressure though it could not avoid huge financial concessions and compliance with official regulations. Contributions from the American Jewish Joint Distribution Committee, which began in 1938, helped it to overcome resulting financial shortages. The closing of the border in 1942, however, paralysed Swiss-Jewish leadership. Realizing their powerlessness, community leaders were unable to effectively oppose inhuman government action.<sup>46</sup>

43 See the contributions in Caestecker and Moore, *Refugees from Nazi Germany*.

44 T. Sjöberg, *The Powers and the Persecuted: The Refugee Problem and the Intergovernmental Committee on Refugees (IGCR), 1938–1947* (Lund 1991), 32–41. A. Grahl-Madsen, 'The League of Nations and the Refugees', in *The League of Nations in Retrospect*, (Berlin 1983), 363–8.

45 F. Kieffer, *Judenverfolgung in Deutschland – eine innere Angelegenheit? Internationale Reaktionen auf die Flüchtlingsproblematik 1933–1939* (Stuttgart 2002).

46 For an excellent analysis, see Mächler, *Hilfe und Ohnmacht. Der Schweizerische Israelitische Gemeindebund und die nationalsozialistische Verfolgung 1933–1945*, 381–98. Also H. Zweig-Strauss, *Saly Mayer 1882–1950. Ein Retter jüdischen Lebens während des Holocaust* (Cologne 2007); on the practice in other European states, see Caestecker and Moore, 'A Comparative Analysis of Immigration Policies in Liberal States in Western Europe and the Flight from Nazi Germany', 216–20.

In many European countries, refugee policy further undermined the precarious situation of Jewish minorities and raised questions about Jews' claims to equal citizenship rights. Such repercussions heralded the segregation and exclusion of the Jewish population from national solidarity under Nazi occupation, and even in unoccupied Switzerland, federal authorities abandoned the principle of equal treatment in their protection of Swiss Jewish interests abroad.<sup>47</sup> Moreover, Switzerland's pre-war refugee policy did not fundamentally differ from other countries' approaches. Like other governments, the federal authorities insisted on national sovereignty in the control of foreign population movements but in reality their policies corresponded with the international trends, economic developments and political events abroad. Their active international cooperation did not contradict any of the principles for the domestic treatment of refugees.<sup>48</sup> Rather, cooperation tended to reinforce the authorities in their conviction that repressive regimes in neighbouring countries would understand generosity vis-a-vis refugees as a sign of weakness and, accordingly, exploit it. In 1938, Rothmund warned that accepting people dumped on Swiss territory by the Gestapo would merely encourage Germany to continue the practice. According to this rationale, stopping Nazi violation of international law required unflinching rejection of these refugees. With similar arguments, other governments advised against the creation of new international guarantees, which, they claimed, would only stimulate states to expel their unwanted populations.<sup>49</sup>

Moreover, lower-level diplomacy like, for example, the aforementioned Brussels meeting of 1939, was probably much more frequent than the lack of research leads us to assume. Given the growing irritation over the widespread practice of expelling uninvited immigrants to neighbouring countries, some of those meetings resulted in – often secret – bilateral agreements on the expulsion of aliens. As another example, local police authorities along sections of the Swiss–French border made such arrangements in the late 1930s and reconfirmed some of them after the German and Italian occupation of French border areas in 1940. Swiss officers repeatedly informed their German colleagues about the expulsion of Jews and other refugees. As late as 1943, Gestapo officers could simply wait at the border to pick up their victims and put them on the next deportation convoy.<sup>50</sup>

47 Picard, *Die Schweiz und die Juden 1933–1945. Schweizerischer Antisemitismus, jüdische Abwehr und internationale Migrations- und Flüchtlingspolitik*, esp. 145–217.

48 Between 1922 and 1935, Switzerland participated in six refugee conferences organized by the League of Nations. In addition, Swiss experts were prominently represented in international refugee agencies. Twice, Swiss citizens headed the League of Nations Nansen Office in the 1930s. See Botschaft des Bundesrates an die Bundesversammlung über den Beitritt der Schweiz zur Internationalen Flüchtlingsorganisation (IRO), 19 January 1949, in *Bundesblatt*, 101:1 (1949), 103.

49 Memo by H. Rothmund, 3 August 1938, in DDS 12, Document 354, 813–14; report by H. Rothmund to the President of the Swiss Confederation, 10 August 1938, in DDS 12, Document 357, 817–23.

50 Caestecker and Moore, 'A Comparative Analysis of Immigration Policies in Liberal States in Western Europe and the Flight from Nazi Germany', 224, mention a Dutch–Belgian accord of 1934. From a comparative perspective, they conclude that the Swiss system 'had more safeguards against administrative arbitrariness' (223) many of which, however, fell victim to the state of emergency with the

Thus, the value of international cooperation was uncertain from the refugees' perspective. Though it spelled out certain guarantees including the principle of non-refoulement enshrined in the 1933 convention and the Provisional Arrangement for Refugees Coming from Germany of 1936, cooperation also facilitated coordination of restrictive measures and promoted what Frank Caestecker and Bob Moore have called the 'homogenisation of European refugee policies'. Furthermore, the beginning of hostilities in Europe served as a justification for tightening regulations and imposing additional restrictions on refugees, their mobility and their activities in exile. Borders became particularly dangerous zones for fugitives. With the growing humanitarian emergency, the risk of abuse of official power in the enforcement of regulations, including the use of excessive brutality, increased to a similar degree as refugees' vulnerability to extortion by traffickers or corrupt officers on either side of the border. A Swiss officer closely cooperating with French and German colleagues, and accused of using 'Gestapo-methods', exclaimed, 'I don't give a damn about what they are saying in the federal chambers: they're not going to keep me from doing my job... I'll still turn back whomever I feel like turning back.'<sup>51</sup> Although exceptional, such attitudes were not merely aberrant. They were the fruit of the increasingly hostile discourse and restrictive practice in all areas of asylum policy, which were partly propelled by the transnational dynamics of the interwar era.

By the end of the Second World War, Switzerland's humanitarian record was becoming an international liability. When gauged by the official claim of humanitarianism as a national virtue, the discrepancy could not have been more striking. Embarking on a strategy of damage control, authorities devised acts of goodwill intended to pacify Allied discontent with the Swiss neutrality policy. Besides contributions to rehabilitation efforts in Europe, they admitted concentration-camp survivors from Theresienstadt, Bergen-Belsen and Buchenwald. But beneficiaries of these programmes were typically afforded only temporary residence geared to their physical recovery in Swiss sanatoria and recreation homes. Similarly, the Swiss were adamant in their negotiations with UNRRA about excluding stateless DPs, anticipating the difficulties these survivors would face in finding permanent residence abroad. By the end of the 1940s, most of the concentration-camp survivors admitted for recovery had left the country although many had wished to stay, and the booming economy would have facilitated their integration into the labour market.<sup>52</sup>

beginning of the Second World War. On the arrangements between Swiss and German border guards see ICE, *Switzerland and Refugees in the Nazi Era*, 141. The case story of several Jewish refugees the Swiss border police handed over to German officers in the fall of 1943 is documented because one of the victims survived Auschwitz. See S. Keller, *Die Rückkehr. Joseph Springs Geschichte* (Zurich 2003).

51 For examples, see the Demierre case study in ICE, *Switzerland and Refugees in the Nazi Era*, 140–6, quote: 144.

52 On this particular humanitarian act and involved rationale, see M. Lerf, "Buchenwaldkinder" – eine Schweizer Hilfsaktion. *Humanitäres Engagement, politisches Kalkül und individuelle Erfahrung* (Zurich 2010).

Its political objectives notwithstanding, official postwar humanitarianism did not break with previous tradition. This would change dramatically within less than a decade. In November 1956, over 200,000 refugees left Hungary following Soviet suppression of the reform movement in Budapest. The West responded with great urgency to the unfolding humanitarian crisis in neighbouring Austria and Yugoslavia. In conjunction with the International Committee of the Red Cross, the UN High Commissioner for Refugees, Swiss citizen August R. Lindt, set up efficient machinery for the accommodation, assistance and resettlement of the Hungarian refugees. In the following months, Switzerland accepted close to 14,000 Hungarians. In international comparison, this was the largest number in proportion to overall population, and in absolute figures the number of refugees admitted to Switzerland was topped only by those taken in by the United Kingdom and traditional immigration countries such as the United States of America and Canada.<sup>53</sup>

Generous acceptance of Hungarian refugees suggested not only the advent of a new era but also the application of new principles in contrast to previous practice. The Swiss did not maintain specific categories of refugees but admitted anybody who wished to come. Moreover, newly arrived refugees were not required to transmigrate but offered residence in Switzerland. Assisted by official job-placement services, the Hungarians were encouraged to integrate into Swiss society. Swiss authorities also applied a broad understanding of the Refugee Convention of 1951, which covered only refugees who escaped persecution prior to the documents' passage and, so, strictly did not apply to the Hungarians. In an unorthodox way they argued that the cause of the Hungarians' plight was the communist takeover of 1948 and, therefore, Hungarian refugees were entitled to international protection.<sup>54</sup> In reality, however, only a fraction of the Hungarians had left their country for fear of repression; the large majority chose emigration to escape the economic restrictions and lack of opportunities at home.<sup>55</sup> Nonetheless, the Swiss recognized these people as victims of political persecution, that is, genuine refugees in the traditional understanding of the term. They were also committed to alleviating the Hungarians' situation by rapidly liberating them from the privations of mass accommodation in improvised reception centres in order to 'give them back their joy of life by offering them an existence that guarantees personal freedom and human dignity'.<sup>56</sup>

Swiss generosity was particularly striking when juxtaposed with the restrictive asylum policy of the Nazi era. This certainly reflects the different circumstances in

53 'Botschaft des Bundesrates an die Bundesversammlung über die Eröffnung eines ausserordentlichen Kredits zugunsten der ungarischen Flüchtlinge im Ausland und anderer internationaler Hilfswerke, 17. Mai 1957,' in *Bundesblatt*, 109:1 (1957), 1285–6.

54 Die schweizerische Asylpraxis in neuester Zeit. Bericht des Eidgenössischen Justiz- und Polizeidepartments. Appendix to Ludwig, *Die Flüchtlingspolitik der Schweiz in den Jahren 1933 bis 1955. Bericht an den Bundesrat zuhänden der eidgenössischen Räte*, esp. 411–15.

55 Such is the conclusion of former Hungarian refugees quoting fellow emigrants who settled in Switzerland, see W. Wottreng, *Ein einzig Volk von Immigranten. Die Geschichte der Einwanderung in der Schweiz* (Zurich 2000), 170–3.

56 'Botschaft des Bundesrates, 17. Mai 1957,' 1285.



which Europe's first major refugee crisis of the Cold War period was resolved. In the mid-1950s, a booming economy and high demand for labour created favourable conditions for the admission and smooth integration of the Hungarian refugees. In addition, as young, single males, many of whom were skilled workers and students, the majority of the refugees fit the period's job profile ideally. Furthermore, the dominant anticommunism guaranteed public solidarity with the Hungarian insurgents particularly in Switzerland, where the postwar discourse on national identity expressed both citizens' pride in the country's unscathed survival through two world conflicts and their rejection of any kind of totalitarianism. As a government report stated in 1957, 'the heroism of the Hungarian people has aroused a wave of sympathy and great largess in the free world, which prompted instant and effective assistance for the Hungarian refugees'.<sup>57</sup>

The official approach largely echoed public opinion. In response to Soviet suppression of the reform movement, a wave of solidarity had swept through Switzerland. Students staged torchlight processions in support of the insurgents while radical anticommunists imagined themselves to be at the start of a partisan war against anticipated Soviet invasion and distributed manuals for the production of Molotov cocktails. In their interpretation, the Hungarian uprising confirmed the West's cultural superiority; consequently, they welcomed every refugee as a hero in the struggle for freedom.<sup>58</sup> Solidarity with the Hungarians was also influenced by the 'J'-stamp affair of 1954. A younger generation of Swiss citizens understood their sympathy for the victims of totalitarianism as an act of national rehabilitation meant to erase the disgrace of humanitarian failure in the face of the Jewish plight.<sup>59</sup>

But did these events actually mark a break with previous tradition in asylum policy? Did the warm reception of the Hungarians – and for that matter the sympathy demonstrated towards the refugees of the Prague spring in 1968 – establish a new model in dealing with the challenges of global migration and political persecution abroad? There is little reason to believe so. The treatment of refugees from countries behind the Iron Curtain instead appears to have been a special case framed through the political and cultural parameters of the Cold War while since the 1980s asylum practice and legislation have become successively more restrictive in response to refugee crises outside Europe. In the past decades, right wing populism gradually eroded the right to asylum, and a series of referendums raised the hurdles for asylum seekers subjecting rejected refugees to ever more degrading treatment.

57 Ibid., 1277. See also T. Kanyo, 'Die Ungarnflüchtlinge von 1956 in der Schweiz', *Jahrbuch für europäische Geschichte*, 7 (2006), 89–100, J.W. ten Doesschate, 'Ungarische Flüchtlinge in Europa seit 1956', in K.J. Bade (ed.) *Enzyklopädie Migration in Europa: Vom 17. Jahrhundert bis zur Gegenwart* (Zurich 2007), 1065–7.

58 Networks for the support of the Hungarian refugees and their militant anticommunism were instrumental in the formation of Switzerland's postwar elite. A recent essay collection, including the memories of some of the period's most ardent anticommunists and later members of the political establishment, gives testimony to the bellicose atmosphere in student circles following the events in Hungary: G. Zabratzky, (ed.) *Flucht in die Schweiz. Ungarische Flüchtlinge in der Schweiz* (Zurich 2006).

59 K. Bretscher-Spindler, *Vom heissen zum kalten Krieg. Vorgeschichte und Geschichte der Schweiz im Kalten Krieg 1943 bis 1968* (Zurich 1997).



Viewed in the *longue durée*, the generosity demonstrated towards the victims of communist repression in the 1950s and 1960s bears more similarities with the sympathy fugitive revolutionaries, at risk for their political acts and convictions, could expect in nineteenth-century Switzerland than with any other refugee category or period in the history of asylum ever since. When juxtaposed with the rejection faced by Jewish wartime refugees, the solidarity with the Hungarians seems to have originated in imagined mental and political affinities. Attributing their escape to their alleged commitment to liberal values and their love of the freedom of market capitalism – in accordance with the Cold War's binary ideology – these refugees were depicted as ideally fitting ideas of Swiss identity. Such imagined similarities allowed the Swiss public and authorities to ignore actual differences thereby easing the refugees' integration into Swiss society, which, in turn, reinforced the belief in their greater capacity to adapt to the Swiss way of life in comparison to other groups such as, for example, the Jews of the interwar period or, more recently, people coming from non-European countries. Thanks to the favourable economic conditions of the 1950s and 1960s, the fugitives from Eastern Europe quickly became neighbours and co-workers very much in contrast to other groups who had earlier been deliberately separated from the native population through the ban on paid work or their confinement in mass accommodations, a form of segregation that reinforced the impression that they somehow represented a threat to Swiss society.

The idea that Jews – and also Russians or Roma and Sinti for that matter – are fundamentally, innately different, that they cause political subversion and the dissolution of national identity, was certainly not a Swiss peculiarity but a general European attitude. It undermined solidarity with endangered people and prevented their recognition as deserving refugees, as people exposed to mortal danger not for any fault of their own but for political reasons. Thus, qualifying as a refugee deserving of public sympathy is not the result of the actual danger to a person's life but the consequence of how a society connects the perception of that danger to its own sense of identity.

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### Biographical Note

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